C. J.'s Court

Writ Petition No. 709 (s/s) of 2001(S/S)

Harwadeen …… Petitioner

Vs.

State of Uttaranchal and others …….. Respondents

Hon. A. A. Desai, C.J.
Hon. Irshad Hussain, J.

Heard Sri P.C.Jhingan, learned counsel for the petitioner and the learned C.S.C.

This writ petition has been filed by the petitioner seeking a writ of mandamus to command the respondents to consider the case of the petitioner for regularization and to pay him regular salary as is being paid to the regular employees of the Department. The similar grievance raised by the other daily wager employees of the Forest Department was considered by the High Court, Allahabad, in which the High Court, Allahabad directed the Department to frame a scheme for regularization of daily- wagers, against which the State of Uttar Pradesh approached the Hon'ble Apex Court. The Hon'ble Apex Court in Civil Appeal No. 3634 of 1998- State of U.P. and Ors. Vs. Putti Lal observed as under:

> "The fact that the employees have been allowed to continue for so many years indicates the existence or the necessity for having such posts. But still it would not be open for the Court to indicate as to how many posts would be created for absorption of these daily wager workers. Needless to mention that the Appropriate Authority will consider the case of these daily wagers sympathetically who have discharged the duties for all these years to the satisfaction of their Authority concerned. So far as the salary is concerned, as we have stated in the case of State of Uttar Pradesh, a daily wager in the State of Uttaranchal would be also entitled to the minimum of pay scale as is available to his counter part in the Government until his services are regularized and he is given regular scale of pay."

Learned counsel for the parties agree that the subject matter involved in this writ petition may be resolved in terms of the above mentioned directions of the Hon'ble Supreme Court. Therefore, the respondents are directed to consider the case of the petitioner sympathetically and pay him minimum of pay scale until his services are regularized. With the above observation, the petition is disposed of finally.

(A.A.Desai, J.) (Irshad Hussain, J.)

Dt. 03.04.2002
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